



Department of Defense INSTRUCTION

NUMBER 1315.15

January 5, 2007

Incorporating Change 1, June 1, 2012

USD(P&R)

SUBJECT: Special Separation Policies for Survivorship

References: (a) DoD Directive 1315.15, subject as above, September 26, 1988 (hereby canceled)

~~(b) Acting Deputy Secretary of Defense Memorandum, "DoD Directives Review - Phase II," July 13, 2005~~

~~(e)(b)~~ DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," ~~October 17, 2006-June 23, 2008~~

~~(d) Appendix, Sections 451 and 456(e) of title 50, United States Code~~

~~(c) Public Law 110-317, "Hubbard Act," August 29, 2008~~

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues Reference (a) as a DoD Instruction according to the guidance in Reference (b) and the authority in Reference (c).

1.2. Establishes uniform policies and assigns responsibilities pertaining to the separation of surviving sons and daughters, as defined in paragraph 3.2.

1.3. Implements Reference (c) for discharge of *qualifying sole* surviving sons *or daughters* ~~inducted into~~ *serving in* the U.S. Armed Forces.

2. APPLICABILITY

This Instruction applies to *OSD*, the Military Departments *(including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department)*, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense.

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3. DEFINITIONS

3.1. Separation. A general term that includes discharge, release from active duty, release from custody and control of the U.S. Armed Forces, transfer to the Individual Ready Reserve, and similar changes in Active or Reserve status.

3.2. Sole Surviving Son or Daughter. This term, from Reference (c), refers to the only surviving child in a family in which the father or mother or one or more siblings meet at least one of the following criteria:

3.2.1. Have been killed in action or have died when serving in the U.S. Armed Forces from wounds, accident, or disease.

3.2.2. Are in a captured or missing-in-action status.

3.2.3. Have a permanent 100 percent Service-related disability (including 100 percent mental disability), as determined by the Department of Veterans Affairs or one of the Military Services, and are not gainfully employed because of the disability.

~~3.2.3.~~ Surviving Son and/or Daughter. This term refers to any son or daughter in a family in which the father or mother or one or more ~~sons or daughters~~ *siblings meet at least one of the criteria listed in subparagraphs 3.2.1, 3.2.2, or 3.2.3.*

~~3.3.4.~~ United States U.S. Armed Forces. For the purpose of this Instruction, used to denote collectively ~~only the regular components of~~ the Army, the Navy, the Air Force, the Marine Corps, and, ~~by agreement with the Secretary of Homeland Security,~~ the Coast Guard.

4. POLICY

4.1. Separation Eligibility

4.1.1. ~~Enlisted m~~Members who become surviving sons or daughters ~~after having enlisted or after having been inducted or sole surviving sons or daughters~~ may apply for and promptly shall be discharged or separated except ~~under the following circumstances:~~

4.1.1.1. When the member *is under criminal investigation or* has court-martial charges pending against him or her, has been convicted by court-martial with appellate review in process, or is serving a sentence to confinement (or is otherwise undergoing punishment) imposed by court-martial.

4.1.1.2. When the member is being processed for involuntary ~~administrative~~ separation for cause.

4.1.1.3. When the death, captured or missing-in-action status, or disability resulted from the intentional misconduct or willful neglect of the parent or sibling or was incurred during a period of unauthorized absence.

~~4.1.2. Commissioned officers and warrant officers shall not be released from active duty because of their qualifying as surviving sons or daughters, unless they entered Service by induction pursuant to Reference (d).~~

~~4.1.3. The separation eligibility provisions in paragraphs 4.1.1. and 4.1.2. shall not apply during a war or national emergency declared by the Congress.~~

4.2. Waiver of Separation Eligibility

4.2.1. An individual who, having been advised of the provisions of paragraphs ~~4.1.1. and 4.2.~~, enlists, reenlists, or voluntarily extends his or her active duty period after having been notified of the family casualty, *captured or missing-in-action status, or disability* on which the surviving status is based shall be considered as having waived his or her rights for separation as a surviving son or daughter *or sole surviving son or daughter*.

4.2.2. A member who has waived his or her right to a separation as a surviving son or daughter or *sole surviving son or daughter*, as provided in paragraph 4.2.1., may request reinstatement of that status at any time. However, a request for reinstatement shall not be granted automatically, but shall be considered on the merits of the individual case.

4.3. Initiation of Application for Separation. All requests for separation under this Instruction must be initiated by the military member concerned. Applications shall be in writing.

5. RESPONSIBILITIES

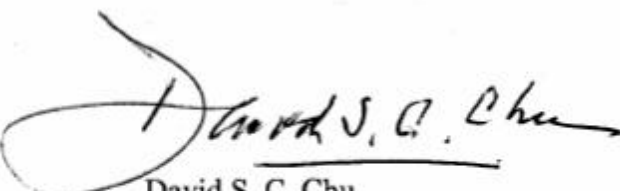
5.1. The Principal Deputy Under Secretary of Defense for Personnel and Readiness, ~~under the Under Secretary of Defense for Personnel and Readiness~~, shall provide overall guidance for the administration of this Instruction and interpret its provisions when requested to do so by representatives of the Military Departments or others outside the Department of Defense.

5.2. The Secretaries of the Military Departments shall ensure that the policies and standards established in this Instruction are administered expediently and consistently. Subject to this overriding responsibility, they may establish special separation policies for unique situations that arise within their own Service(s) if such special policies do not violate the intent of the general policy established in section 4.

6. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

67. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense for
Personnel and Readiness